

Message

From: Otis, Andrew D. [aotis@curtis.com]
Sent: 9/21/2015 4:23:08 PM
To: 'John.Stroiazzo@glencore-ca.com' [John.Stroiazzo@glencore-ca.com]; Chalfant, Mark [Chalfant.Mark@epa.gov]
CC: Cirian, Mike [Cirian.Mike@epa.gov]; Wilder, Scott [Wilder.Scott@epa.gov]; swright@cfaluminum.com; abaris@rouxinc.com
Subject: RE: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)

That's good because I responded back to Mark suggesting that the call proceed and he agreed. The call is still on for this afternoon.

From: John.Stroiazzo@glencore-ca.com [mailto:John.Stroiazzo@glencore-ca.com]
Sent: Monday, September 21, 2015 12:22 PM
To: Otis, Andrew D.; Chalfant.Mark@epa.gov
Cc: Cirian.Mike@epa.gov; Wilder.Scott@epa.gov; swright@cfaluminum.com; abaris@rouxinc.com
Subject: Re: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)

I am in favor of a call,

John

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Otis, Andrew D.
Sent: Monday, September 21, 2015 1:10 PM
To: 'Chalfant, Mark'
Cc: Cirian, Mike; Wilder, Scott; Stroiazzo, John (Toronto - CA); Steve Wright - CFAC; abaris@rouxinc.com
Subject: RE: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)

Mark,

I hope that Mr. Cirian returns safely. I think that there is enough to talk about that we should proceed with the call today. We can schedule another call when Mr. Cirian returns, if necessary, and the technical issues with the RI/FS Work Plan can be discussed in Columbia Falls in October.

Best regards,

Andrew

From: Chalfant, Mark [mailto:Chalfant.Mark@epa.gov]
Sent: Monday, September 21, 2015 11:59 AM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott; John.Stroiazzo@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com
Subject: RE: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)

Mr. Otis:

I just learned that Mr. Cirian will not be in the office and is not available for our call today. He apparently had a problem with his bush plane in Alaska, and his return has been delayed. However, Mr. Wilder and I are happy to meet with you and your team today if that works for you. But if you would like to postpone our call and reschedule it to next week when Mr. Cirian is available that is fine, too. Please let me know how you wish to proceed. Thank you for your understanding.

Thank you.

Mark

From: Chalfant, Mark
Sent: Thursday, September 17, 2015 3:50 PM
To: 'Otis, Andrew D.'
Cc: Cirian, Mike; Wilder, Scott; John.Stroiazso@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com
Subject: RE: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)

Mr. Otis:

Thank you for returning a revised redline version of the draft AOC to me in advance of our call on Monday. I appreciate your flagging CFAC's financial assurance proposal for our attention. We will not be sending you today the backup documentation which you requested to substantiate EPA's demand for payment of response costs. There is a matter which I would like to discuss with you and your team before we send you the response cost documentation. I look forward to speaking with you and your team on Monday.

Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]
Sent: Thursday, September 17, 2015 3:11 PM
To: Chalfant, Mark
Cc: Cirian, Mike; Wilder, Scott; John.Stroiazso@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com
Subject: Anaconda/CFAC--CFAC Revised Redline AOC (as of 9/17/2015 7PM EDT)

Dear Mark,

Thank you for your helpful redline that was included with your email below. I have reviewed your redline and I attach to this email a revised AOC that responds to EPA's comments. Without repeating the comments in the attached document, I did want to draw your attention to CFAC's financial assurance proposal: CFAC proposes that Glencore Ltd, which is the parent company of Glencore USA LLC which owns the membership interests of CFAC (the appropriate name change is in the mark up), obtain an irrevocable letter of credit for the benefit of EPA in the amount of EPA's proposed financial assurance amount of four million dollars.

Please feel free to contact me if you have any questions or would like to discuss. I look forward to speaking with you and your team on Monday.

Best regards,

Andrew

From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Wednesday, August 26, 2015 7:26 PM
To: Otis, Andrew D.
Cc: Cirian, Mike; Wilder, Scott; John.Stroiazso@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com
Subject: Anaconda/CFAC--EPA Revised Redline AOC (as of 8/26/2015 7PM EDT)

Mr. Otis:

I also wish to acknowledge the productive call yesterday. Thank you for continuing to work with EPA to narrow the list of outstanding items on the proposed AOC. We are pleased with the process being made on the proposed AOC.

Attached please find a revised redline version of the draft AOC, which incorporates the changes we discussed during yesterday's call. In addition, the redline version also notes EPA's resolution of additional items.

I am pleased to report that EPA Finance has been able to resolve their technical difficulties which had previously prevented the creation of a disc for the back-up cost documentation. Mr. Wilder has drafted the confidentiality agreement but needs to add the contractor addresses to the agreement. I will be out of the office on business tomorrow and Friday, however, I have asked Mr. Wilder to send the proposed confidentiality agreement to you as soon as he adds the addresses. EPA will overnight you the disc as soon as the parties execute the confidentiality agreement.

I look forward to speaking with you on Monday.

Thank you.

Mark

From: Otis, Andrew D. [<mailto:aotis@curtis.com>]

Sent: Tuesday, August 25, 2015 5:30 PM

To: Chalfant, Mark

Cc: Cirian, Mike; Wilder, Scott; John.Stroiazza@glencore-ca.com; Steve Wright - CFAC; abaris@rouxinc.com

Subject: CFAC Anaconda-Revised Redline AOC After 8_25 Teleconference

Dear Mark,

Thanks for a productive call today. Following up on our teleconference, attached please find a revised AOC with CFAC comments to the following sections:

Paragraph 4. Although this proposed language is not something that we discussed in our call, we believe that it is consistent with our statements regarding the EPA Findings of Fact.

Definition of "Paragraph"

Paragraphs 16, 17, 18 and 19 per our discussion and

Paragraph 42.b. and 45. b. to reflect our agreement on that language.

Please feel free to contact me if you have any questions or would like to discuss.

Best regards,

Andrew

Andrew D. Otis
Partner
Curtis, Mallet-Prevost, Colt & Mosle LLP
101 Park Ave
New York, NY 10178-0061
Phone: (212) 696 - 6907
Fax: (917) 368 - 7307
www.curtis.com
Skype: Andrew.Otis



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Curtis, Mallet-Prevost, Colt & Mosle LLP (101 Park Avenue, New York, NY 10178)

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